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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PERSINO, RAYMOND B	
ART UNIT	**PAPER NUMBER**
2682	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/089,081	UMEDA ET AL.	
	Examiner	Art Unit	
	Raymond B. Persino	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 April 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by SCHWELB et al (US 5,950,123 A).

Regarding claim 1, SCHWELB et al discloses a mobile communication system comprising: detecting means for detecting at least one of a change in an environment in which an object to be inspected exists and a change in a capability of said object to be inspected (column 6 lines 48-65); reporting means for notifying one or more apparatuses relating to said change detected by said detecting means of a result of said detection (column 5 lines 32-61); setting means for newly setting at least one of a network resource and a media type in conformity to said change detected by said detecting means (column 5 lines 32-61 and column 5 line 62 to column 6 line 8); and switching means for switching said network resource and media type into a content set by said setting means (column 5 lines 32-61) (also see column 7 lines 1-55).

Regarding claim 2, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the object to be

inspected includes at least one of a communication terminal, transmission means for a radio area, and transmission means within a network (column 6 lines 48-65).

Regarding claim 3, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the network resource includes at least one of a wireless communication channel, a transmitter/receiver, a line within a network, a communication node apparatus, a communication terminal, an information switching apparatus, and an information converting apparatus (column 5 line 62 to column 6 line 8).

Regarding claim 4, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the switching means includes information converting apparatus which carries out, as said switching of media type, at least one of changing of media for information transferred over a network and changing of a transmission quality between the same media (column 5 line 62 to column 6 line 8).

Regarding claim 5, SCHWELB et al discloses a mobile communication system comprising: a network (element 10), having a resource, configured to transfer information transmitted/received by a mobile terminal; a network control section (element 18) configured to control said network; and an information converting apparatus (element 44) including an information format switching section configured to switch the format of information transferred over said network, said information converting apparatus configured to change at least one of media type for information transferred over said network and a transmission quality between the same media in

accordance with an instruction from said network control section (also see column 5 line 32 to column 6 line 65 and column 7 lines 1-55).

Regarding claim 6, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the information converting apparatus comprises: a network interface section configured to transmit/receive information to/from a resource constituting said network; an information converting section (element 44) configured to convert a format of information captured through said network interface section into another format, and sending out said converted information to said resource constituting said network by way of said network interface section; and a control section configured to control said information converting section in accordance with an instruction from said network control section captured through said network interface section (see column 3 lines 12-43).

Regarding claim 7, SCHWELB et al discloses a resource switching method for a mobile communication system, said method comprising the steps of: detecting at least one of a change in an environment in which an object to be inspected exists and a change in a capability of said object to be inspected (column 6 lines 48-65); notifying one or more apparatuses relating to said change detected by said detecting step of a result of said detection (column 5 lines 32-61); and setting at least one of a network resource and a media type in conformity to said change detected by said detecting step (column 5 lines 32-61 and column 5 line 62 to column 6 line 8); and switching said network resource and said media format into a content set by said setting step (column 5 lines 32-61) (also see column 7 lines 1-55).

Regarding claim 8, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the object to be inspected includes at least one of a communication terminal, transmission means for a radio area, and transmission means within a network (column 6 lines 48-65).

Regarding claim 9, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the network resource includes at least one of a wireless communication channel, a transmitter/receiver, a line within a network, a communication node apparatus, a communication terminal, an information switching apparatus, and an information converting apparatus (column 5 line 62 to column 6 line 8).

Regarding claim 10, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the switching step includes a step of carrying out, as switching of said media type, at least one of changing of media type for information transferred over a network and changing of a transmission quality in the same media (column 5 line 62 to column 6 line 8).

Regarding claim 11, SCHWELB et al discloses a network control method comprising the steps of: receiving a detection report of at least one of a change in an environment in which an object to be inspected exists and a change in a capability of said object to be inspected from said object to be inspected (column 6 lines 48-65); determining at least one of a network resource and a media type suitable for said change specified by said detection report received from said object to be inspected (column 5 lines 32-61); and controlling said object to be inspected concerning at least

one of said determined network resource and media type so that said object conforms to said detected change (column 5 lines 32-61 and column 5 line 62 to column 6 line 8) (also see column 7 lines 1-55).

Regarding claim 12, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the object to be inspected includes at least one of a communication terminal, transmission means for a radio area, and transmission means within a network (column 6 lines 48-65).

Regarding claim 13, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the network resource includes at least one of a wireless communication channel, a transmitter/receiver, a line within a network, a communication node apparatus, a communication terminal, an information switching apparatus, and an information converting apparatus (column 5 line 62 to column 6 line 8).

Regarding claim 14, SCHWELB et al discloses a network control apparatus comprising: receiving means for receiving a detection report of at least one of a change in an environment in which an object to be inspected exists and a change in a capability of said object to be inspected from said object to be inspected (column 6 lines 48-65); determining means for determining at least one of a network resource and an a media type suitable for said change specified by said detection report received from said object to be inspected (column 5 lines 32-61); and control means for controlling said object to be inspected concerning at least one of said determined network resource and

media type so that said object conforms to said detected change (column 5 lines 32-61 and column 5 line 62 to column 6 line 8) (also see column 7 lines 1-55).

Regarding claim 15, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the object to be inspected includes at least one of a communication terminal, transmission means for a radio area, and transmission means within a network (column 6 lines 48-65).

Regarding claim 16, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the network resource includes at least one of a wireless communication channel, a transmitter/receiver, a line within a network, a communication node apparatus, a communication terminal, an information switching apparatus, and an information converting apparatus (column 5 line 62 to column 6 line 8).

Regarding claim 17, SCHWELB et al discloses a mobile communication system comprising: a detector configured to detect at least one of a change in an environment in which an object to be inspected exists and a change in a capability of said object to be inspected (column 6 lines 48-65); a transmitter configured to notify one or more apparatuses relating to said change detected by said detecting means of a result of said detection (column 5 lines 32-61); a controller configured to set at least one of a network resource and a media type in conformity to said change detected by said detecting means (column 5 lines 32-61 and column 5 line 62 to column 6 line 8); and said controller configured to switch said network resource and media type into a content set by said setting means (column 5 lines 32-61) (also see column 7 lines 1-55).

Regarding claim 18, SCHWELB et al discloses a network control apparatus comprising: a receiver configured to receive a detection report of at least one of a change in an environment in which an object to be inspected exists and a change in a capability of said object to be inspected from said object to be inspected (column 5 lines 32-61 and column 6 lines 48-65); a processor configured to determine at least one of a network resource and a media type suitable for said change specified by said detection report received from said object to be inspected (column 5 lines 32-61 and column 5 line 62 to column 6 line 8); and a controller configured to control said object to be inspected concerning at least one of said determined network resource and media type so that said object conforms to said detected change (column 5 lines 32-61) (also see column 7 lines 1-55).

Response to Arguments

3. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (571) 272-7856. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Raymond B. Persino RP
Examiner
Art Unit 2682

RP

LEE NGUYEN
PRIMARY EXAMINER